

REMARKS

In the Office Action dated December 9, 2003, the Examiner rejected claims 1-64 under 35 U.S.C. § 103(a). Applicants have canceled claims 6, 8, 21, 22, 46, 51, and 61. Accordingly, Applicants traverse the rejection of claims 6, 8, 21, 22, 46, 51, and 61 as moot. Applicants have amended claims 1, 3, 7, 9-11, 23, 30, 36, 39-41, 43-45, 47-49, 53-55, 58, and 64. No new matter has been added. Applicants submit that claims 1-5, 7, 9-20, 23-45, 47-50, 52-60, and 62-64 are in condition for allowance. Therefore, Applicants request that the Examiner enter this amendment and issue a Notice of Allowance.

Claims 1-64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,852,812 ("Reeder") in view of U.S. Patent No. 5,960,416 ("Block"). In amended claims 1, 30, and 64, Applicants recite a distributed resource metering system for billing. The system includes a billing component located on a billing client. The billing client is a user device, such as a personal computer, a mobile phone, a wireless handheld device, or a packet-switched telephone. (See, e.g., Applicants' Specification, page 5, lines 16-18.) The billing component provides a means for the billing client and a billing server to communicate with each other. (See, e.g., Applicants' Specification, page 6, lines 7-9.) The billing client contains a display that is operable to depict real time billing data while receiving a service from an entity. The entity may be another billing client, a gateway, or an application server. (See, e.g., Applicants' Specification, page 15, line 20 to page 16, line 1.) The system also includes a billing server that monitors communication between the billing client and the entity by receiving a Resource Utilization Update ("RUU") from the billing component. The RUU may be a message transmitted periodically from the billing component to the billing server indicating that

the billing client is still receiving services from the entity. (See, e.g., Applicants' Specification, page 10, lines 15-19.)

Similarly, in claims 36 and 58, Applicants recite a method for providing distributed resource metering for billing. The method includes monitoring communication between the billing client and an entity by receiving the RUU from the billing client, and providing the real time billing data to the billing client while monitoring the communication. As a result, an end user of the billing client may be able to see the duration and cost of the service change on the display in real time. (See, e.g., Applicants' Specification, page 18, lines 1-2.) Additionally, by using the billing server to manage the communication, a gateway may not be required for billing. (See, e.g., Applicants' Specification, page 10, lines 6-7.)

In contrast to the claimed invention, Reeder describes a billing system for a network that posts billing information to a customer's on-line statement after a billing event is generated. (See, e.g., Reeder, column 9, line 67 to column 11, line 1.) The billing information on the customer's statement can be updated at configurable intervals, such as every fifteen minutes. (See, e.g., Reeder, column 2, lines 55-59.) As a result a customer using Reeder's billing system receives billing data after receiving a service, not while receiving the service as claimed by the Applicants. Reeder does not suggest providing billing data while receiving the service as Reeder describes the billing server as being located behind a gateway. (See, e.g., Reeder, Figure 2.) When the billing server is located behind a gateway, "the customer has no access to their real time account information." (See, e.g., Applicants' Specification, page 3, lines 4-6.)

Because Reeder does not provide billing data to a customer while receiving a service, Reeder has no reason to monitor the communication between the customer and an application server. As described by Reeder, once a billing event is generated, an event object is created and stored locally

until an event collector gathers the event objects from the application servers. (See, e.g., Reeder, column 6, lines 52-55.) Accordingly, Reeder does not show or suggest the billing server monitoring the communication between the consumer (i.e., the billing client) and the application server by receiving an RUU from the billing component located on the billing client. Applicants believe that Block fails to overcome this deficiency in Reeder.

Block describes a button that can be provided on a telephone keypad in which a subscriber can push to display the amount of time remaining, the value of the subscriber's balance, or the amount of charges accumulated to date. (See, Block, column 9, lines 27-31.) However, Block monitors the communication between an initiating subscriber and a receiving subscriber in a different manner than is claimed by the Applicants. In contrast to the claimed invention, an entity on the network, and not a subscriber location, generates cost signals. The cost signals represent predetermined charge amounts generated during a call or elapsed time during a call. (See, e.g., Block, column 4, lines 59-61.) "The cost signals can be generated by the Network Routing Devices or the Charge Processor." (See, e.g., Block, column 4, lines 61-63.) Block does not show or suggest the subscriber location sending cost signals that can be detected by a Channel Billing Monitor. Accordingly, Block does not show or suggest the billing component located on the billing client sending an RUU to the billing server. As a result, Block does not show or suggest the billing server monitoring communication between the billing client and the entity by receiving an RUU from the billing component.

Applicants submit that the combination of Reeder and Block does not show or suggest a billing server that monitors communication between the billing client and the entity by receiving an RUU from the billing component located on the billing client. Because the combination of Reeder and Block does not show or suggest each and every element of claims 1, 30, 36, 58, and 64, Applicants

submit that claims 1, 30, 36, 58, and 64 are not obvious in light of the combination of Reeder and Block.

Claims 2-5, 7, 9-20, and 23-29 depend from claim 1. Claims 31-35 depend from claim 30. Claims 37-45, 47-50, and 52-57 depend from claim 36. Claims 59, 60, 62, and 63 depend from claim 58. Accordingly, Applicants also submit that claims 2-5, 7, 9-20, 23-29, 31-35, 37-45, 47-50, 52-57, 59, 60, 62, and 63 are not obvious in light of the combination of Reeder and Block for at least the reasons set forth above.

In light of the above, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103(a).

CONCLUSION

In light of the above amendments and remarks, Applicants submit that the present application is in condition for allowance and respectfully request notice to this effect. The Examiner is requested to contact Applicants' representative below if any questions arise or she may be of assistance to the Examiner.

Respectfully submitted,

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